

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMON LENELL BROWN, )  
                          )  
Petitioner            )  
                          )  
v.                      )                  1:06CV00520  
                          )  
                          )  
MR. G. HAYNES,        )  
                          )  
Respondent           )  
                          )  
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ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION

On June 19, 2006, Magistrate Judge P. Trevor Sharp filed his Recommendation [Doc. # 2] that Mr. Brown's petition submitted under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody be dismissed without prejudice to Petitioner filing a new petition that corrects the defects of the current petition.

Rule 72 of the Federal Rules of Civil Procedure provides that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b). On June 19, 2006, the parties were mailed notification of the Recommendation filing and informed that objections to the Recommendation were due on July 7, 2006. Neither party filed an objection to the Recommendation.

The Court has reviewed the Recommendation of the Magistrate Judge and,

finding no clear error, adopts that Recommendation. Thus, for the reasons set out in the Recommendation, this action is DISMISSED WITHOUT PREJUDICE to Petitioner filing a new petition that corrects the defects of the current petition.

This the 4<sup>th</sup> day of February, 2008.

/s/ N. Carlton Tilley, Jr.  
United States District Judge